

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DELBERT M. GREENE and RICHARD C.
ABOTT,

Case No. 2:18-cv-01148-APG-GWF

ORDER

Plaintiffs,

V.

ARAMARK CO,

Defendants.

Plaintiffs Delbert M. Greene and Richard C. Abott have submitted a joint civil rights complaint under 42 U.S.C. § 1983 and have each submitted applications to proceed *in forma pauperis* for prisoners. ECF Nos. 1-1, 5, 6. I have not yet screened the complaint. At the time of filing their complaint, both plaintiffs were inmates at the Clark County Detention Center (CCDC). See ECF No. 1-1. But since then, Abott has been released from the CCDC. See ECF No. 5. Greene now seeks to voluntarily dismiss himself from this lawsuit but states that Abott should make his own decision about this lawsuit. ECF No. 10.

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” I grant Greene’s motion to voluntarily dismiss himself from this action because no responsive pleading has been filed, and I deny as moot his application to proceed *in forma pauperis* (ECF No. 6).

21 I further deny the motion for submission of complaint. ECF No. 8. I will direct the Clerk
22 of Court to file the complaint after the screening process.

1 I also deny Abbott's application to proceed *in forma pauperis* for prisoners (ECF No. 5) as
2 moot because he is no longer incarcerated. Abbott must file an application to proceed *in forma*
3 *pauperis* by a non-prisoner by August 31, 2019 or pay the full filing fee of \$400.

4 **I. CONCLUSION**

5 It is ordered that plaintiff Greene's motion to voluntarily dismiss himself from this case
6 (**ECF No. 10**) is granted. The Clerk of the Court is directed to terminate Greene as a plaintiff in
7 this case.

8 It is further ordered that Greene's application to proceed *in forma pauperis* (**ECF No. 6**)
9 is denied as moot.

10 It is further ordered that the motion for submission of complaint (**ECF No. 8**) is denied.

11 It is further ordered that plaintiff Abbott's application to proceed *in forma pauperis* for
12 prisoners (**ECF No. 5**) is denied as moot.

13 It is further ordered that the Clerk of the Court will send Abbott the approved form
14 application to proceed *in forma pauperis* by a non-prisoner, as well as the document entitled
15 information and instructions for filing an *in forma pauperis* application.

16 It is further ordered that within **by August 31, 2019**, Abbott will either: (1) file a fully
17 complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay the full filing fee
18 of \$400. If Abbott fails to timely comply with this order, I will dismiss this case without
19 prejudice.

20 Dated: August 1, 2019.

21 
22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE